

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RLI Insurance Company,	:	Civil Action No. 1:14cv802
	:	
Plaintiff,	:	Judge Timothy Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
Fifth Third Bancorp,	:	
	:	
Defendant.	:	

FIFTH THIRD BANCORP, an Ohio Corporation, and FIFTH THIRD BANK, an Ohio Banking Corporation	:	Civil Action No. 1:14cv869
	:	
Plaintiffs,	:	Judge Timothy Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
CERTAIN UNDERWRITERS AT LLOYD’S SUBSCRIBING TO POLICY B0509QA048710, B0509QA051310, 81906760, et al.	:	
	:	
Defendants.	:	

**PLAINTIFF FIFTH THIRD BANCORP AND FIFTH THIRD BANK’S MOTION FOR
AN EXTENSION OF FOUR DAYS TO RESPOND TO THE UNDERWRITERS’
MOTION FOR A PROTECTIVE ORDER**

Now come Plaintiffs, Fifth Third Bancorp and Fifth Third Bank (“Fifth Third”), and hereby request an additional four days until February 3, 2017 to respond to the Underwriters’ Motion for a Protective Order. A memorandum in support of said motion follows.

RESPECTFULLY SUBMITTED,

/S/ Mark J. Byrne

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MEMORANDUM IN SUPPORT

On the evening of January 23, 2017, the Underwriters filed a Motion for a Protective Order (Doc. 98). The motion raises several important issues relating to the scope of discovery on Fifth Third’s breach of contract claim. The Court’s ruling on this motion will have a significant impact on how the case proceeds. On January 24, 2017, the Court issued an expedited briefing schedule for the motion. That schedule requires Fifth Third to file its response by January 30, 2017. For the following reasons, Fifth Third respectfully requests an additional four days in which to file its response.

First, there are several deadlines in the consolidated cases that occur early next week which Fifth Third is working to meet. Rebuttal expert reports are due January 31, 2017, Fifth Third's reply in support of its motion to amend its complaint is due on February 2, 2017, and Fifth Third's responses to certain of the Underwriters' discovery requests are due on January 31, 2017 as well.

Second, on January 26, 2017, the excess carriers filed a notice to join in the Underwriters' Motion for a Protective Order (Doc. 99). In addition to the issues raised in the Underwriters' motion, the excess carriers raised several separate points, that are reflected in a letter attached to their motion. Fifth Third's request for this short extension contemplates a signal response to both Underwriters' motion and the excess carriers' motion.

Counsel for Fifth Third contacted counsel for the Underwriters to determine if they opposed Fifth Third's request for this short extension of time. Their response was they could not join in the motion. Accordingly, Fifth Third requests an extension of four days, until February 3, 2017, in which to file its joint response.

RESPECTFULLY SUBMITTED,

/s/ Mark J. Byrne

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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2017, a copy of the foregoing motion was filed electronically. Notice of this filing will be served on all parties of record by operation of the Court's electronic filing system:

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